

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

**HUAWEI TECHNOLOGIES USA
INC. ET AL.,**

Defendants.

§ **CIVIL ACTION No. 6:20-CV-533-ADA**
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§ **CIVIL ACTION No. 6:20-CV-539-ADA**
§ **CIVIL ACTION No. 6:20-CV-540-ADA**
§ **CIVIL ACTION No. 6:20-CV-541-ADA**
§ **CIVIL ACTION No. 6:20-CV-542-ADA**
CIVIL ACTION No. 6:20-CV-543-ADA
CIVIL ACTION No. 6:20-CV-544-ADA

JOINT CLAIM CONSTRUCTION STATEMENT

TO THE HONORABLE COURT:

Pursuant to the scheduling orders in these cases, the Parties jointly submit this claim construction statement.

A. -533, -535, -540, and -543 Cases

-533 Case, United States Patent No. 6,882,627 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology that discourages the use of network resources” (claims 1, 29, 30)</p> <p>[Proposed by Defendant]</p>	<p>Plain and ordinary meaning</p>	<p>“performing a transformation of links and/or nodes of a SRG (shared risk group) of the network into a virtual topology that discourages the use of network resources”</p>
<p>“second code means adapted to, for at least one shared risk group, determine if any of the</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p>

-533 Case, United States Patent No. 6,882,627 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>at least one shared risk group includes any of the first sequence of network resources" / "means adapted to, for at least one shared risk group, determine if any of the at least one shared risk group includes any of the first sequence of network resources" (claims 29, 30)</p> <p>[Proposed by Both]</p>	<p>Function: determine if any of the at least one shared risk group includes any of the first sequence of network resources</p> <p>Structure: processing platform-readable medium, and equivalents thereof (claim 29) / a network management platform, and equivalents thereof (claim 30)</p> <p>Algorithm (if required): <i>see e.g.</i>, 2:13-54, 3:54-4:15, 4:45-5:33, 6:23-37, 6:52-7:52, 9:18-23, 12:46-50 Figs. 3A, 3B, 6B, and equivalents thereof</p>	<p>Function: determine if any of the at least one shared risk group includes any of the first sequence of network resources</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure</p>
<p>"third code means for performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources" / "means for performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources" (claims 29, 30)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: performing a SRG (shared risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources</p> <p>Structure: processing platform-readable medium, and equivalents thereof (claim 29) / a network management platform, and equivalents thereof (claim 30)</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: performing a SRG (shard risk group) topology transformation of the network topology into a virtual topology which discourages the use of network resources</p> <p>Structure: A network management platform comprising algorithms for link and node transformations such as those described in Figures 3C, 3D, 4A, and 4B, and the corresponding embodiments disclosed in</p>

-533 Case, United States Patent No. 6,882,627 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
	Algorithm (if required): <i>see e.g.</i> , 2:31-3:18, 6:49-7:52, 7:63-8:28, 8:30-9:35, Figs. 2, 3A-3D, 4A, 4B, 5A, 5B, 6A-6E, and equivalents thereof	6:49-7:52, and equivalents thereof.

-535 Case, United States Patent No. 7,508,755 (Not Contested)¹	
Claim Term/Phrase	Uncontested Construction
<p>“means for receiving the switch over message” (Claims 8, 25)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: receiving the switch over message</p> <p>Structure: merging network device, and equivalents thereof</p>
<p>“[means for] receiving a switch over message along the alternative path in the forward direction” (Claim 23)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: receiving a switch over message along the alternative path in the forward direction</p> <p>Structure: merging network device, and equivalents thereof</p> <p>Algorithm (if required): <i>see e.g.</i>, 2:7-32, 2:43-60, 3:13-36, Figs. 1, 2, 3</p>

¹ WSOU identifies two means-plus-function terms as terms with constructions that are not contested. While Defendants chose not to brief these two terms given the limits imposed by the Court and OGP 3.2, Defendants contend that WSOU's identification of structure is incorrect. *See* Case No. 6:20-cv-535, Dkt. No. 46 at 28 n. 20.

-535 Case, United States Patent No. 7,508,755 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“switch over message” (claims 1, 5, 8, 10, 13, 16, 18, 20, 23, 25)</p> <p>[Proposed by Defendant]</p>	<p>Plain and ordinary meaning</p>	<p>“a message which instructs a device to perform a switch over to the alternate path and which is not a message that indicates a fault has occurred in the network”</p>
<p>“originating network device” (claims 1, 3, 20)</p> <p>[Proposed by Defendant]</p>	<p>Plain and ordinary meaning</p>	<p>“a network device of a primary LSP which is not asource network device of the same primary LSP”</p>
<p>“means for re-routing traffic traveling along the bi-directional LSP in the backwards direction to the alternate path in the backwards direction based on the switch over message” (claim 8)</p> <p>/“means for re-routing traffic traveling along a bi-directional LSP in a backwards direction to an alternate path in the backwards direction based on the switch over message” (claim23) /“means for re-routing traffic traveling along the bi-directional LSP in a backwards direction to the same alternate path in the backwards direction based on the switch over message” (claim 25)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: re-routing traffic traveling along the bi-directional LSP in the backwards direction to the alternate path in the backwards direction based on the switch over message(Claim 8)</p> <p>re-routing traffic traveling along a bi-directional LSP in a backwards direction to an alternate path in the backwards direction based on the switch over message (Claim 23)</p> <p>re-routing traffic traveling along the bi-directional LSP in a backwards direction to the same alternate path in the backwards direction based on</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: re-routing traffic traveling along the bi-directional LSP in the backwards direction to the alternate path in the backwards direction based on the switch over message (Claim 8)</p> <p>Function: re-routing traffic traveling along a bi-directional LSP in a backwards direction to an alternate path in the backwards direction based on the switch over message Claim 23)</p> <p>Function: re-routing traffic traveling along the bi-directional LSP in a backwards direction to the same alternate path in the backwards direction based on</p>

-535 Case, United States Patent No. 7,508,755 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
	<p>the switch over message(Claim 25)</p> <p>Structure: merging network device, and equivalents thereof</p> <p>Algorithm (if required): <i>see e.g., 2:7-32, 2:43-60, 3:13-36, Figs. 1, 2, 3</i></p>	<p>the switch over message (Claim 25)</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure.</p>
<p>“means for transmitting a switch over message along the alternate path in the forward direction to a merging network device responsive for re- routing traffic traveling along the bi- directional LSP in a backward direction to the alternate path in the backward direction” (claim 20)</p> <p>“means for transmitting a switch over message, along the alternate path in the forward direction, for re- routing traffic traveling along the bi- directional LSP in a backward direction” (claim 25)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: transmitting a switch over message along the alternate path in the forward direction to a merging network device responsive for re-routing traffic traveling along the bi-directional LSP in a backward direction to the alternate path in the backward direction (Claim 20)</p> <p>transmitting a switch over message, along the alternate path in the forward direction, for re-routing traffic traveling along the bi-directional LSP in a backward direction” (Claim 25)</p> <p>Structure: originating network device, and equivalents thereof</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function (Claim 20): transmitting a switch over message along the alternate path in the forward direction to a merging network device responsible for re-routing traffic traveling along the bi-directional LSP in a backward direction to the alternate path in the backward direction</p> <p>Function (Claim 25): transmitting a switch over message, along the alternate path in the forward direction, for re-routing traffic traveling along the bi-directional LSP in a backwards direction</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure.</p>

-535 Case, United States Patent No. 7,508,755 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
	Algorithm (if required): see e.g., 1:51-56, 2:7-32, 2:43-60, 3:9-36, Figs. 1, 2, 3	
<p>“means for re-routing traffic traveling along a bi-directional LSP in a forward direction to an alternate path in the forward direction” (claims 20, 25)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: re-routing traffic traveling along a bi-directional LSP in a forward direction to an alternate path in the forward direction</p> <p>Structure: originating network device, and equivalents thereof</p> <p>Algorithm (if required): see e.g., 1:51-56, 2:7-32, 2:43-60, Figs. 1, 2, 3</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: re-routing traffic traveling along a bi-directional LSP in a forward direction to an alternate path in the forward direction</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure.</p>
<p>“means for means for [sic] receiving traffic traveling along a bi-directional LSP in a forward direction to an alternate path in the forward direction” (claims 23)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: receiving traffic traveling along a bi-directional LSP in a forward direction to an alternate path in the forward direction</p> <p>Structure: merging network device, and equivalents thereof</p> <p>Algorithm (if required): see e.g., 2:7-32, 2:43-60, 3:13-36, Figs. 1, 2, 3</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: re-routing traffic traveling along a bi-directional LSP in a forward direction to an alternate path in the forward direction</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure.</p>

-540 Case, United States Patent No. 8,417,112 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“determining whether said collected BER values worsen over time” (claims 1, 11)</p> <p>[Proposed by Defendant]</p>	Plain and ordinary meaning	<p>“determining whether said collected BER values worsen over time by comparing one or more of said recent ones of said collected BER values with said other collected BER values”</p>

-543 Case, United States Patent No. 6,999,727 (Not Contested)²	
Claim Term/Phrase	Uncontested Construction
<p>“means for receiving blocks of data” (Claims 4, 5)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: receiving blocks of data</p> <p>Structure: telecommunication network management system, and equivalents thereof</p>
<p>“means for obtaining data through the Forward Error Correction function carried out on the blocks of received data” (Claims 4, 5)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: obtaining data through the Forward Error Correction function carried out on the blocks of received data</p> <p>Structure: network node performing Forward Error Correction function, and equivalents thereof</p>

² WSOU identifies two means-plus-function terms as terms with constructions that are not contested. While Defendants chose not to brief these two terms given the limits imposed by the Court and OGP 3.2, Defendants contend that WSOU's identification of structure is incorrect.

-543 Case, United States Patent No. 6999727 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“a number of corrected errors (BCE) in a non-SCS base reference time period”</p> <p>[Proposed by Defendant]</p>	<p>Plain and ordinary meaning</p>	<p>“the number of background corrected errors that have been corrected within a base reference time period which is different than the base reference time period used to detect uncorrected blocks”</p>
<p>“means for implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function” (claims 4,5)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function</p> <p>Structure: telecommunication network management system, and equivalents thereof</p> <p>Algorithm (if required): <i>see e.g.</i>, 1:63-2:21, 2:36-4:54, Fig. 1, and equivalents thereof</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function</p> <p>Structure: Algorithm disclosed in Figure 1, and equivalents thereof</p>
<p>“means for classifying said blocks as either corrected or uncorrected through the Forward Error Correction Function” (claims 4, 5)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: classifying said blocks either as corrected or uncorrected through the Forward Error Correction function</p> <p>Structure: network node performing Forward Error</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: classifying said blocks either as corrected or uncorrected through the Forward Error Correction function</p> <p>Structure: Indefinite for failure to disclosure sufficient corresponding structure</p>

-543 Case, United States Patent No. 6999727 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
	Correction function, and equivalents thereof	
<p>“means for calculating the Performance Monitoring function by implementing a correlation of the information regarding said corrected and uncorrected blocks” (claims 4, 5)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: calculating the Performance Monitoring function by implementing a correlation of the information regarding said corrected and uncorrected blocks</p> <p>Structure: telecommunication network management system, and equivalents thereof</p> <p>Algorithm (if required): <i>see e.g.</i>, 1:63-2:21, 2:36-4:54, Fig. 1, and equivalents thereof</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: calculating the Performance Monitoring Function by implementing a correlation of the information regarding said corrected and uncorrected blocks.</p> <p>Structure: Algorithmic structure: $BER_{IN} = \Sigma BCE / (NSEC - \Sigma SCS)$ And equivalents thereof.</p>
<p>“implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function” (claims 6, 7)</p> <p>[Proposed by Defendant]</p>	Plain and ordinary meaning	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: implementing a Performance Monitoring function based on data retrieved through a Forward Error Correction function</p> <p>Structure: Algorithm disclosed in Figure 1, and equivalents thereof.</p>
“classifying said blocks as corrected or uncorrected through the Forward Error	Plain and ordinary meaning	Subject to 35 U.S.C. § 112, ¶6

-543 Case, United States Patent No. 6999727 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
Correction function" (claims 6, 7) [Proposed by Defendant]		Function: classifying said blocks as corrected or uncorrected through the Forward Error Correction function Structure: Indefinite for failure to disclosure sufficient corresponding structure

B. -534, -536, -538 and -542 Cases

-534 Case, United States Patent No. 7,095,713 (No Disputed Terms)
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-536 Case, United States Patent No. 7,515,546 (No Disputed Terms)
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-538 Case, United States Patent No. 7,872,973 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"a message to the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filling" (claims 1, 9) [Proposed by Defendant]	Plain and ordinary meaning	a message instructing the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filing"
"the message" (claims 1, 9) [Proposed by Defendant]	Plain and ordinary meaning	Indefinite

-538 Case, United States Patent No. 7,872,973 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
“a module for sending the message from the e stream device to an upstream network device to thereby control a rate at which the upstream device receives packets from the upstream network device” (claim 9)	Plain and ordinary meaning except that the phrase “e stream” should be “upstream”	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: sending the message from the e stream device to an upstream network device to thereby control a rate at which the upstream device receives packets from the upstream network device</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure</p>
“a module for, if the depth of the queue passes a predetermined threshold, sending a message to the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filling, thereby preventing packet discarding and loss by the queuing device” (claim 9)	Plain and ordinary meaning	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: sending a message to the upstream device to reduce a rate at which packets are sent to the queuing device to prevent the queue from filling, thereby preventing packet discarding and loss by the queuing device</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure</p>

-538 Case, United States Patent No. 7,872,973 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
“a module for sending a message reporting the depth of the queue to the upstream device to thereby enable the upstream device to determine whether to reduce or increase the rate at which the upstream device sends packets to the queuing device” (claim 9)	Plain and ordinary meaning	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: sending a message reporting the depth of the queue to the upstream device to thereby enable the upstream device to determine whether to reduce or increase the rate at which the upstream device sends packets to the queuing device</p> <p>Structure: Indefinite for failure to disclose sufficient corresponding structure</p>

-542 Case, United States Patent No. 8,249,446 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“output indicator” (claims 1, 15)</p> <p>[Proposed by Defendant]</p>	Plain and ordinary meaning	“indicator indicating an optical output being transmitted ”
<p>“output [indicator] threshold” (claims 1, 15)</p> <p>[Proposed by Defendant]</p>	Plain and ordinary meaning	“time length or a percentage of a total time window duration”
“[A method of /Apparatus for] regulating rogue behavior in an [optical network component comprising an optical transmitter/optical	Plain and ordinary meaning	“[A method of/Apparatus for] regulating rogue behavior by a subscriber-based [optical network component comprising an optical

-538 Case, United States Patent No. 7,872,973 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
transmission device]" (claims 1 and 15) [Proposed by Defendant]		transmitter/optical transmission device]"

C. -537 and -539 Cases

-537 Case, United States Patent No. 7,860,512 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"capacity" (claims 1-18, 21-24, 27) [Proposed by Defendant]	Plain and ordinary meaning	load

-539 Case, United States Patent No. 8,200,224 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"selecting a first candidate base station using said evaluation of said signal quality from said first measurement report" (claim 1) [Proposed by Defendant]	Plain and ordinary meaning	selecting a single candidate base station using said evaluation of said signal quality from said first measurement report"
"executable program means for causing a base station to perform the method when the program is run on the base station" (claim 15) [Proposed by Defendant]	Plain and ordinary meaning and does not invoke 35 U.S.C. § 112, ¶6. If the court finds the term invokes § 112, ¶6, however, then:	Subject to 35 U.S.C. § 112, ¶6. Function: causing a base station to perform the method when the program is run on the base station.

-539 Case, United States Patent No. 8,200,224 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
	<p>Function: causing a base station to perform the method of claim 1.</p> <p>Structure: executable program code configured when executed to cause the base station to perform the method of claim 1; the example flowchart shown in Fig. 1 and its accompanying written description; example signaling described with reference to Figs. 2–4; the example selecting process described with reference to Fig. 5; the base station described with reference to Fig. 6; and equivalents of any of the foregoing</p>	<p>Structure: The flow chart of Figure 1, and its accompanying written description, and equivalents thereof.</p>

D. -541 and -544 case

-541 Case, United States Patent No. 9,084,199 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“associated with a quality of the received CQI” / “associated with a quality of the received channel quality indicator (CQI)” (claims 1, 9, 15)</p> <p>[Proposed by Defendant]</p>	Plain and ordinary meaning	“associated with a quality of received CQI channel”
“dynamically adjust a CQI channel configuration based	Plain and ordinary meaning	“a closed-loop process which dynamically adjusts a CQI channel configuration

-541 Case, United States Patent No. 9,084,199 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
on the comparison” (claims 1, 9) [Proposed by Defendant]		based upon the comparison of the short term or long term quality metrics”
“generated by filtering frame based quality metrics over a plurality of frames” (claim 1) / “generated by filtering frame based quality metrics over a period of more than one frame” (claim 9) [Proposed by Defendant]	Plain and ordinary meaning	“created by processing frame based quality metrics over a plurality of frames in order to reject those long-term soft decision quality metrics that are unwanted”
“means for generating soft decision quality metrics from a decoding process for a received channel quality indicator (CQI)” (claim 9) [Proposed by Both]	Subject to 35 U.S.C. § 112, ¶6. Function: “generating soft decision quality metrics from a decoding process for a received channel quality indicator (CQI)” Structure: CQI recovery/decoding unit; CQI metric generation unit; and equivalents thereof ³	Subject to 35 U.S.C. § 112, ¶6. Function: “generating soft decision quality metrics from a decoding process for a received channel quality indicator (CQI)” Structure: a base station that includes a CQI recovery/decoding unit, CQI metric generation unit using the algorithm(s) of 13:58-

³ The structure identified here is intended to encompass relevant descriptions appearing throughout the specification. In disclosures served on opposing counsel prior to the instant brief, WSOU had identified the following exemplary disclosure of the '199 patent as relevant to the understanding of the corresponding structure for this term: Fig. 1 (rake receiver 28, CQI recovery/decoding unit 30, and a CQI metric generation unit 32); Fig. 8; 4:57–5:13; 5:17–21; 6:13–49; 10:17–11:45; 12:4–53; 13:58–15:38; 16:42–46; 16:47–49, etc.

-541 Case, United States Patent No. 9,084,199 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
		15:38 and equivalents thereof.
<p>“means for comparing at least one of the quality metrics to a quality setting” (claim 9)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6.</p> <p>Function: “comparing at least one of quality metrics to a quality setting”</p> <p>Structure: decision making unit 34, and equivalents thereof⁴</p>	<p>Subject to 35 U.S.C. § 112, ¶6</p> <p>Function: “comparing at least one of the quality metrics to a quality setting”</p> <p>Structure: decision making unit 34, and algorithm for performing the function, and equivalents thereof</p>
<p>means for determining whether to dynamically adjust a CQI channel configuration based on the comparison” (claim 9)</p> <p>[Proposed by Both]</p>	<p>Subject to 35 U.S.C. § 112, ¶6.</p> <p>Function: “determining whether to dynamically adjust a CQI channel configuration based on the comparison”</p> <p>Structure: decision making unit 34, and equivalents thereof⁵</p>	<p>Subject to 35 U.S.C. § 112, ¶6.</p> <p>Function: “determining whether to dynamically adjust a CQI channel configuration based on the comparison”</p> <p>Structure: decision making unit 34, and equivalents thereof</p>

⁴ The structure identified here is intended to encompass, though not necessarily require, relevant descriptions of example embodiments appearing throughout the specification. See, e.g., Fig. 1 (decision making unit 34); Figs. 2–9; 5:17–21; 6:50–57; 7:6–11; 7:15–18; 7:25–45; 7:51–61; 8:13–36; 8:64–67; 9:29–34; 9:64–66; 10:13–16; 11:46–56; 13:12–35; 15:20–38; 16:28–41; 16:47–49; etc.

⁵ The structure identified here is intended to encompass, though not necessarily require, relevant descriptions of example embodiments appearing throughout the specification. See, e.g., Fig. 1 (decision making unit 34); Figs. 2–13; 5:17–21; 6:55–7:5; 7:11–14; 7:45–50; 7:61–65; 8:26–33; 9:34–44; 10:11–13; 11:57–60; 15:20–38; 16:47–49; etc.

-544 Case, United States Patent No. 8,429,480 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
“hybrid automatic repeat request process” (claims 1, 2, 5, 6, 7, 9, 11-19) [Proposed by Defendant]	Plain and ordinary meaning	“process implementing a stop and wait protocol and soft combining where in the uplink a UE adjusts the PUSCH transmission according to PDCCH and/or PHICH information as detected by the UE”
“the resources are persistently allocated for transmitting the new uplink packet transmission” (claim 2) [Proposed by Defendant]	Plain and ordinary meaning	Indefinite

DATED: April 5, 2021

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